

Remarks

The present amendment is submitted in response to an Office Action dated July 25, 2005. In the Office Action, the Examiner rejected claims 1, 3-5, 8-12, 14, 16-17 and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Gibbs (U.S. Patent No. 5,836,529). In addition, claims 2, 6-7, 13, 15 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gibbs in view of Jarrett (U.S. Patent No. 6,345,257).

With respect to the rejection of the claims under 35 U.S.C. § 103(a) as being unpatentable over Gibbs, Applicants respectfully submit that claims, as amendment, overcome the rejections thereto.

Specifically, independent claim 1 now defines a method whereby a plurality of dispositions are provided wherein at least one of the dispositions comprises repairing the rail equipment using a mobile repair unit. Moreover, independent claim 12 now defines means for assigning a disposition to the rail equipment from a plurality of dispositions based on the overall damage condition of the rail equipment wherein at least one the plurality of dispositions is assigning a mobile repair unit to the rail equipment to repair damage to the rail equipment. These features are nowhere taught or described in any of the prior art, taken alone or in combination.

Gibbs merely discloses a system for tracking rail equipment, and recording information relating to the rail equipment, but does not teach or describe providing a plurality of dispositions wherein at least one disposition relates to repairing the rail equipment using a mobile repair unit, as described in independent claims 1 and 12. Moreover, Jarrett fails to supply the missing element claimed in independent claims 1 and 12. Specifically, the Examiner refers to column 1, lines 46-67 and the abstract for the teaching of information “related to whether the rail equipment is repairable by a mobile repair unit or whether the rail equipment must be shopped.”

Office Action, July 25, 2005, p. 9. However, neither these excerpts, nor any other excerpt in Jarrett, relates to providing a plurality of dispositions wherein at least one of the dispositions relates to repairing the rail equipment using a mobile repair unit. Applicants note that a mobile repair unit ("MRU") is "dispatched to the railcar for repair." Specification, p. 8, lines 28-29. Jarrett, however, merely describes that "Trouble Tickets are . . . immediately available to all downline maintenance facilities so that mechanics can prepare for problems on a train well in advance of its arrival." Jarrett, Abstract. In addition, in the objects of the invention, Jarrett states, "Still another object is to enable mechanics to have immediate access to reported problems so that the mechanics can prepare for problems on a train well in advance of arrival." Jarrett, col. 1, lines 59-61. Mobile repair units (MRUs) dispatched to the rail equipment are not contemplated by Gibbs, Jarrett, or any other prior art, taken alone or together.

Applicants respectfully submit that independent claims 1 and 12, as amended, are presently in condition for allowance.

Claims 2-11 depend from independent claim 1 and claims 13-20 depend from independent claim 12. These claims are further believed allowable over the references of record for the same reasons set forth with respect to their parent claims since each sets forth additional steps and structural elements of Applicants' novel method and system.

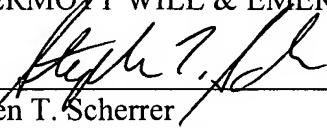
CONCLUSION

In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicants urge the Examiner to telephone Applicants' attorney so that the same may be resolved and the application expedited to issue. Applicants respectfully request the Examiner to indicate all claims as allowable and to pass the application to issue.

In re Moser et al.
U.S. Patent Application No. 10/075,065

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Stephen T. Scherrer
Registration No. 45,080

227 West Monroe Street
Chicago, IL 60606-5096
Phone: 312.372.2000
Facsimile: 312.984.7700
Date: November 23, 2005

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as our correspondence address.**

CHI99 4541635-1.047440.0044